

REMARKS

At the outset, Applicants wish to thank the Examiner for reviewing and considering the pending application. Applicants further express gratitude to the Examiner for indicating that claims 34-41, 43-45, and 50-57 are allowable. The Final Office Action dated June 2, 2006, has been received and reviewed.

Applicants also thank the Examiner for considering the material cited in the Information Disclosure Statement of April 5, 2006.

In addition, Applicants note that the Information Disclosure Statement of September 30, 2006 includes material that was not cited in the Information Disclosure Statement of September 30, 2004. Applicants further note that this document was considered and initialed by the Examiner. However, the Examiner's signature, as well as the date of consideration, is missing from the document. Accordingly, Applicants respectfully request that the Examiner return a signed and dated copy of the PTO-1449 Form of September 30, 2004.

Furthermore, Applicants submit that an Information Disclosure Statement was filed on April 8, 2006. Accordingly, Applicants respectfully request that the Examiner return a signed copy of the PTO-1449 accompanying the Information Disclosure Statements of September 30, 2004 and April 8, 2006 to confirm his consideration of the material cited therein.

Claims 28-29, 42, and 46-47 are hereby amended. More specifically, claims 28 and 46 have been amended to include the subject matter of previously examined claims 29 and 47, respectively. Accordingly, Applicants respectfully submit that further search and consideration should not be required with respect to the claims in the instant application.

Claims 28-29, 42, and 46-47 are rejected under 35 U.S.C. §102(a) or 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0042252, issued to *Back et al.* (hereinafter “*Back*”). Applicants respectfully traverse this rejection.

Claim 28 recites a combined toaster and microwave oven comprising at least a toaster that includes, *inter alia*, “at least one tray assembly including at least one tray and a holder part that moves in accordance with a movement of the at least one tray; a movable tray supporter, fixed at a lower portion of the tray, for moving the tray.” Claim 46 recites a combined toaster and microwave oven comprising “at least one tray assembly having a holder part, installed in a slit of the toaster case, configured to receive and eject an item and support a surface of the item, and at least one tray for receiving the item and supporting surfaces of a rear of the item so as not to slant, wherein the holder part is configured to move in accordance with a movement of the at least one tray; a movable tray supporter provided at a lower portion of the tray, for receiving and ejecting the item.”

Back fails to disclose at least the above-mentioned features. In particular, *Back* does not disclose “a holder part” that moves in accordance with a tray, as well as “a movable tray supporter,” as recited in the claims. Further, Applicants submit that the “holder part” and the “movable tray supporter” are distinctly defined in Applicants’ claims. Thus, as the claims clearly recite a “moveable tray support,” Applicants submit that *Back*’s disclosure of a tray supporter 70, cannot reasonably be interpreted to be the claimed “holder part.” Accordingly, Applicants maintain that *Back* does not disclose at least a “holder part that moves in accordance with a tray.” Due to at least each of the above-mentioned shortcomings of *Back*, Applicants respectfully request withdrawal of the rejection.

Accordingly, Applicants respectfully submit that claims 28 and 46 are patentable and request that the rejection be withdrawn. Likewise, claims 29, 42 and 47, which variously depend from either claim 28 or 46, are also patentable for at least the same reasons as discussed above.

Claims 28-33, 42, and 46-49 are rejected under 35 U.S.C. §103(a) as being unpatentable over EP 1 213 948 (hereinafter *EP '948*) in view of U.S. Patent No. 6,112,648, issued to *Origane*. Applicants respectfully traverse the rejection.

Claim 28 recites a combined toaster and microwave oven comprising at least a toaster that includes, *inter alia*, “at least one tray assembly including at least one tray and a holder part that moves in accordance with a movement of the at least one tray; a movable tray supporter, fixed at a lower portion of the tray, for moving the tray.” Claim 46 recites a combined toaster and microwave oven comprising “at least one tray assembly having a holder part, installed in a slit of the toaster case, configured to receive and eject an item and support a surface of the item, and at least one tray for receiving the item and supporting surfaces of a rear of the item so as not to slant, wherein the holder part is configured to move in accordance with a movement of the at least one tray; a movable tray supporter provided at a lower portion of the tray, for receiving and ejecting the item.”

Applicants submit that *EP '948* and *Origane*, taken alone or in combination, fail to disclose or suggest at least the above-mentioned features, as recited in the claims.

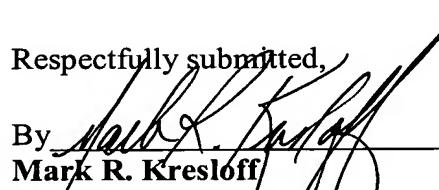
More specifically, Applicants submit that *EP '948* fails to disclose these features. Rather, *EP '948* discloses that guides 148 “maintain the heater 140 in a location spaced with a predetermined distance from the heated bread.” See *EP '948* at column 6, paragraph [0034]. However, there is no disclosure in *EP '948* that the guides 148, as disclosed in *EP '948*, is a tray “supporting surfaces of a rear of the item so as not to slant,” as recited in claim 46.

Furthermore, Applicants submit that *Origane* does not cure the deficiencies of *EP '948*. That is, *Origane* does not disclose a tray assembly, which includes a "holder part" and a "moveable tray support." Moreover, Applicants submit that supporting bars 9, 10, as disclosed by *Origane*, are not "trays." Furthermore, Applicants respectively encourage the Office to look at various definitions of the term, "tray," as further support that a support bar by itself does not constitute a "tray."

Accordingly, Applicants respectfully submit that claims 28 and 46 are patentable and request that the rejection be withdrawn. Likewise, claims 29-33, 42, and 47-49, which variously depend from either claim 28 or 46, are also patentable for at least the same reasons as discussed above.

The application is in a condition for allowance and favorable action is respectfully solicited. If for any reason the Examiner believes a conversation with the Applicant's representative would facilitate the prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

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